IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA AT CHANDIGARH.

Crl. Revision No. 134 of 2007.
Date of Decision: May 15, 2007.

Ishwar Dayal

....Petitioner

through
Mr. V.K. Bali, Advocate.

Versus

State of Haryana and anr.

...Respondents

through
Mr. R.D. Sharma, DAG, Haryana.
Mr. Harkesh Manuja, Advocate.

CORAM:

HON'BLE MR. JUSTICE SURYA KANT.

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

SURYA KANT,J.(ORAL)

This revision petition is directed against the order dated 1.12.2006 passed by learned Addl. Sessions Judge, Karnal, whereby, an application under Section 311 Cr.P.C. to lead additional evidence in the pending appeal, has been dismissed.

The petitioner has been convicted in a complaint under Section 138 of Negotiable Instruments Act. He has filed an appeal against his conviction and during pendency of the said appeal, an application under Section 311 Cr.P.C. was moved by him to produce and prove (i) mortgage deed, (ii) an alleged agreement, photostat copy of which is mark 'D', as also (iii) an alleged receipt of the same date.

The learned Appellate Court, however, held and rightly so that these documents pertained to some rent agreement between the parties and have absolutely no relevance in respect of the cheque issued by the petitioner in favour of the respondent-complainant which was dishonoured by the petitioner's banker for want of sufficient funds.

There is no explanation whatsoever as to why the aforementioned documents which were in the petitioner's full knowledge right from the very inception, were not proved before the learned trial Court at the relevant time.

The petitioner, thus, cannot be permitted to make out an entirely new case at this stage.

Dismissed.

May 15, 2007. **(SURYA KANT)**
sanjeev **JUDGE**